

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, November 2, 2010, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Vice-Mayor Benjamin K. Mallicote

Alderman Charles K. Marsh, Jr.

Alderman Larry A. Munsey

Alderman Tom C. Parham

Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Michael Bennett.
- II.B. **INVOCATION:** By Thomas Legg, Pastor – First Church of Nazarene.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Valerie Joh.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
 1. **LPRF GRANT AWARD FOR LYNN VIEW COMMUNITY CENTER – Kitty Frazier & Stan Ramsey.** Kitty Frazier recognized fellow committee members responsible for obtaining a \$131,000 grant for lighting the football fields.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Mallicote/Parham, to approve minutes for the following meetings:

 - A. October 25, 2010 Regular Work Session
 - B. October 26, 2010 Regular Business Meeting

Approved: All present voting “aye.”
- VI. **COMMUNITY INTEREST ITEMS.**
 - AA. **PUBLIC HEARINGS.** None.
 - A. **PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

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B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of an Ordinance to Amend the FY2011 General Purpose School Fund Budget (AF: 343-2010).

Motion/Second: Munsey/Shupe, to pass:

AN ORDINANCE TO AMEND THE FY 2011 GENERAL PURPOSE SCHOOL FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Enter into a Materials Agreement with Danny Karst Related to Edinburgh Phase 2 Section 2 and an Ordinance to Appropriate the Funds (AF: 351-2010).

Motion/Second: Parham/Shupe, to pass:

Resolution No. 2011-104, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MATERIALS AGREEMENT WITH DANNY KARST FOR EDINBURGH PHASE 2 SECTION 2 AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

Motion/Second: Munsey/Mallicote, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO THE EDINBURGH PHASE II SECTION II MATERIALS AGREEMENT PROJECTS (WA1172 AND SW1172); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Consideration of an Ordinance to Amend Zoning of a Portion of Parcel 5.00 in Tax Map 77-H Located on Ft. Henry Dr. from R-1B Zoning to B-3 Zoning (AF: 321-2010).

Motion/Second: Marsh/Parham, to pass.

ORDINANCE NO. 6026, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO FT. HENRY DRIVE FROM R-1B, SINGLE FAMILY RESIDENTIAL DISTRICT TO B-3, GENERAL BUSINESS DISTRICT IN THE 11TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Mallicote, Marsh, Parham, Shupe and Phillips voting "aye" and Munsey voting "nay."

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Alderman Parham mentioned that Bill Cox, the property owner, has been updating and completing plans to include landscaping and has met with residents and Planning staff in an effort to spread this trend to adjacent businesses. Mr. Parham also mentioned he will recommend to the Planning Commission that a zone study be completed involving affected residents regarding future commercial use. He further suggested to City staff a possible de-acceleration lane coming down the hill in front of these businesses.

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the City of Kingsport to Participate in the TML Risk Management Pool "Driver Safety" Matching Grant Program (AF: 339-2010).

Motion/Second: Munsey/Parham, to pass:

Resolution No. 2011-105, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A GRANT FROM TENNESSEE RISK MANAGEMENT POOL FOR THE PURCHASE OF SAFE DRIVING RELATED TRAINING AND MATERIALS

Passed: All present voting "aye."

2. Consideration of a Resolution to Condemn for Easements and Rights-of-Way for the Rock Springs Road/Blakley Dive Sanitary Sewer Extension Project (AF: 350-2010).

Motion/Second: Munsey/Parham, to pass:

Resolution No. 2011-106, A RESOLUTION TO AUTHORIZE CONDEMNATION PROCEEDINGS FOR THE ROCK SPRINGS ROAD/BLAKLEY DRIVE SANITARY SEWER EXTENSION PROJECT

Passed: All present voting "aye."

3. Consideration of a Resolution Awarding the Bid for Rock Springs Road Improvements – Phase 1 and Authorize the Mayor to Sign All Applicable Documents (AF: 349-2010). City Manager Campbell noted the low bid for this project was \$1.6 million and extends approximately 6/10 of a mile from John Adams School to Cox Hollow Road. This project also includes \$400,000 in water and sewer work to be completed at the same time.

Motion/Second: Parham/Shupe, to pass:

Resolution No. 2011-107, A RESOLUTION AWARDING THE BID FOR THE ROCK SPRINGS ROAD IMPROVEMENTS PHASE 1 TO THOMAS CONSTRUCTION COMPANY, INC. AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT WITH THOMAS CONSTRUCTION COMPANY, INC.

Passed: All present voting "aye."

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4. Consideration of a Resolution Authorizing the Mayor to Execute a Landlord Estoppel Certificate and Consent (AF: 342-2010). City Manager Campbell gave details on this item noting the Kingsport Lifesaving Crew (KLSC) needed to build on the land they are leasing from the City to protect their equipment. Mayor Phillips further clarified that the KLSC has obtained a \$250,000 line of credit to use for construction. Alderman Parham noted they estimate the loan to be paid off in five years. Discussion ensued regarding concerns of Alderman Marsh regarding the liability of the City being a co-signer. Vice-Mayor Mallicote pointed out that the concern doesn't outweigh the real benefits. Alderman Shupe also noted that the equipment value exceeded the loan amount and would revert to the City if KLSC defaulted. Alderman Parham agreed that it was a reasonable risk.

Motion/Second: Mallicote/Shupe, to pass:

Resolution No. 2011-108, A RESOLUTION APPROVING THE LANDLORD ESTOPPEL CERTIFICATE AND CONSENT FOR TRISUMMIT BANK FOR THE LEASE OF THE PROPERTY TO THE KINGSFORT LIFESAVING AND FIRST AID CREW, INC.; AND AUTHORIZING THE MAYOR TO EXECUTE THE DOCUMENT

Passed: All present voting "aye" except Marsh voting "nay."

E. APPOINTMENTS/REAPPOINTMENTS. None.

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion. Alderman Marsh requested item VII.7 be pulled from the consent agenda for discussion.

Motion/Second: Munsey/Parham, to adopt:

1. Consideration of a Budget Ordinance to Appropriate Grant Funding Awarded from the Department of Justice Edward Byrne Memorial Justice Assistance Program (JAG) (AF: 332-2010).

Adopt:

Ordinance No. 6027, AN ORDINANCE TO AMEND THE JUSTICE ASSISTANCE GRANT FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE PROGRAM FOR THE YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

2. Consideration of an Ordinance to Appropriate Grant Funds Awarded from the Governor's Highway Safety Office (AF: 333-2010).

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Adopt:

Ordinance No. 6028, AN ORDINANCE TO AMEND THE GENERAL PROJECTS - SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE GOVERNOR'S HIGHWAY SAFETY GRANT FOR THE YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE
Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

**3. Consideration of an Ordinance to Appropriate Grant Money
Awarded from the Department of Justice Office of Justice Programs, Bulletproof
Vest Partnership, Body Armor Safety Initiative (AF: 336-2010).**

Adopt:

Ordinance No. 6029, AN ORDINANCE TO AMEND THE GENERAL PROJECTS- SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE DEPARTMENT OF JUSTICE FOR THE YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE
Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

**4. Consideration of an Ordinance Vacating Certain Streets and
Alleys in the Former Riverview Apartment Complex and Authorizing the Mayor to
Execute a Quitclaim Deed to the Kingsport Housing and Redevelopment
Authority (AF: 340-2010).**

Adopt:

Ordinance No. 6030, AN ORDINANCE TO VACATE AND DISCONTINUE THE PLATTED PUBLIC RIGHT-OF-WAYS OF BOOKER STREET AND THE ALLEYS CONTAINED WITHIN THE BOUNDARIES OF LOUIS STREET (FORMERLY WASHINGTON STREET), DOUGLASS STREET, CARVER STREET, AND MARTIN LUTHER KING, JR. DRIVE, (FORMERLY LINCOLN STREET) AS SHOWN ON TAX MAP 61B, GROUP "K", PARCELS 1 AND 2 AND JAMES STREET, SITUATED IN KINGSFORT, TENNESSEE, ELEVENTH CIVIL DISTRICT OF SULLIVAN COUNTY; TO AUTHORIZE THE MAYOR TO EXECUTE A QUITCLAIM DEED TO THE KINGSFORT HOUSING AND REDEVELOPOMENT AUTHORITY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE
Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

**5. Consideration of a Budget Ordinance to Amend the General
Fund by Transferring Funds from Various Projects to the Rock Springs Road
Project (GP0920) (AF: 341-2010).**

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Adopt:

Ordinance No. 6031, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

6. Consideration of an Ordinance Appropriating Funds from the Fleet Fund for the Purchase of the Voice Over Internet Protocol Telephone System (AF: 319-2010).

Adopt:

Ordinance No. 6032, AN ORDINANCE TO AMEND THE FLEET FUND AND THE GENERAL FUND BY APPROPRIATING FUNDS FROM THE FLEET FUND UNDESIGNATED FUND BALANCE FOR THE PURCHASE OF THE VOICE OVER INTERNET PROTOCOL TELEPHONE SYSTEM FOR THE CITY OF KINGSPORT FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

7. Consideration of Adoption of the 2011 Tri-Cities Joint Legislative Policy (AF: 348-2010) Community and Government Relations Director Tim Whaley provided details on this item noting successful past legislation from the previous joint policy. Major issues to be addressed in the current policy include asking lawmakers to keep the State from taking local revenues, expanding available economic development tools, extending the State Route 75 project $\frac{3}{4}$ of a mile and requiring all opiate-based treatment clinics (not just methadone) to obtain a certificate of need from the State Health Board. Mr. Whaley noted that due to discussion from the work session yesterday, that an agreement is trying to be reached with Johnson City and Bristol to amend the section regarding the Single Article Sales Tax Cap and change the wording from supporting an increase to the preservation for future use of local governments. If an agreement is not reached, then this item will be pulled from the agenda. The other item debated at the work session was the gas tax index due to concerns of Alderman Munsey who confirmed he had no problems with this policy as is. Mr. Whaley answered questions of Mayor Phillips regarding methadone type clinics and stated the Board would receive a revised copy of the policy when it was completed.

Motion/Second: Marsh/Shupe, to adopt:

ADOPT THE 2011 TRI-CITIES JOINT LEGISLATIVE POLICY

Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

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VIII. COMMUNICATIONS.

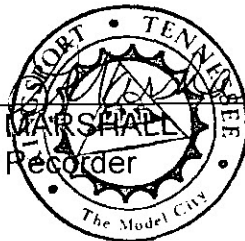
A. CITY MANAGER. City Manager Campbell stated this was the 4th year in a row that the City has succeeded its United Way goal and was at an all-time high. He congratulated retiring Coach Shaffer and the Lady Indian volleyball team for ranking 2nd place in the State, losing to Ravenwood. Mr. Campbell thanked the Kingsport Credit Union and Chef's Pizzeria for the city employee picnic last Friday.

B. MAYOR AND BOARD MEMBERS. Alderman Shupe acknowledged his appreciation for all city employees. Mayor Phillips wished good luck to all the candidates running for election today.

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 7:50 p.m.


ANGELA L. MARSHALL
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor